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In re Application of DEISS et al.   :
Application No.: 10/536,925   :
PCT No.: PCT/DE03/02644   :   DECISION ON
Int. Filing: 06 August 2003   :
Priority Date: 27 September 2002   : PETITION UNDER
Attorney Docket No.: S4-02P15746   :
· For: SUCTION DEVICE   :   37 CFR 1.137(b)
                                                         :

The petition to revive under 37 CFR 1.137(b) filed 31 May 2005 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the "entire delay in filing the required reply from the due date for the required reply until the filing of the petition was unintentional" meets the requirements of 37 CFR 1.137(b).

A review of the application file reveals that the basic national fee of $300 has been provided. The required petition fee of $1500 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

The declaration submitted on 27 June 2005 did not contain page 1 and thus was not properly executed. The declaration appears to have been faxed and it is unclear whether the inventors were presented with a complete declaration. What is required is one declaration where all inventors have signed or separate complete declarations. Thus, the requirements of 37 CFR 1.497 (a) and (b) have not been met and the declaration is unacceptable as filed.

This application is being forwarded to the United States Designated/Elected Office for further processing including issuance of a Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.137(b), is required.

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